

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NATHANIEL NKEMEKOLAM

PLAINTIFF

VS.

CAUSE NO. 1:22cv6 LG-RHWR

LOWE'S HOME CENTER, LLC

DEFENDANT

NOTICE OF REMOVAL

Defendant Lowe's Home Center, LLC ("Defendant"), through counsel and without waiving any objections or defenses, files its Notice of Removal of this action from the Circuit Court of Jackson County, Mississippi. In support, Defendant states as follows:

NATURE OF THIS LAWSUIT

1. Plaintiff Nathaniel Nkemekolam filed suit in state court on November 29, 2021.

See Compl., Exhibit "A." Defendant was served on December 13, 2021.

2. The action arises out of Plaintiff's employment with Defendant. Compl., attached as **Exhibit "A."** The complaint advances a federal cause of action, specifically discrimination claims brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 to - 2000e-17. *Id.*

FEDERAL QUESTION JURISDICTION EXISTS

3. Civil actions over which district courts have original jurisdiction are removable. 28 U.S.C. § 1441(b). Federal district courts have "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. As noted above, Plaintiff's Complaint includes a federal cause of action, specifically federal claims brought pursuant to Title VII.

PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

4. This notice of removal is timely. Namely, Defendant was served on December 13, 2021, and this Notice is being filed within the 30-day requirement. 28 U.S.C. § 1446(b).
5. Defendant will file a copy of the state court record, as required by Local Rule 5.
6. Contemporaneous with the filing of this notice, Defendant will file a Notice, *see Exhibit "B,"* with the Jackson County Circuit Clerk in accordance with 28 U.S.C. § 1446. Defendants also will provide a copy of this notice to Plaintiff's counsel.

CONCLUSION

For all of these reasons, Defendant requests that this Court proceed with the handling of this case as if it had been originally filed here and that further proceedings in Jackson County Circuit Court be terminated.

Dated: January 12, 2022.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: *s/Nicholas F. Morisani*
W. Thomas Siler, Jr., MB 6791
Nicholas F. Morisani, MB 104970
4270 I-55 North
Jackson, Mississippi 39211-6391
Post Office Box 16114
Jackson, Mississippi 39236-6114
Telephone: 601-352-2300
Telecopier: 601-360-9777
Email: silert@phelps.com
nick.morisani@phelps.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Nicholas F. Morisani, this day filed the foregoing *NOTICE OF REMOVAL* with the Clerk of the Court using the Court's CM/ECF system which provided notice to counsel of record in this matter.

Thereafter, I provided a copy of this Notice to:

Robert P. Krebs
P. O. Box 998
Pascagoula, MS 39568-0998

JACKSON COUNTY CIRCUIT COURT JUDGE

This the 12th day of January, 2022.

s/ Nicholas F. Morisani
NICHOLAS F. MORISANI